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*Interim Co-Lead Counsel for Plaintiffs
and the Proposed Class*

Counsel for the Amplify Defendants

[Additional Counsel appear on signature page]

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

PETER MOSES GUTIERREZ, Jr.;
CHANDRALEKHA
WICKRAMASEKARAN and
RAJASEKARAN
WICKRAMASEKARAN, as Trustees of
THE WICKRAMASEKARAN FAMILY
TRUST established March 12, 1993; et al.
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

AMPLIFY ENERGY CORP.; BETA
OPERATING COMPANY, LLC; and
SAN PEDRO BAY PIPELINE
COMPANY,

CASE NO. 8:21-cv-01628-DOC-JDE
CASE NO. 2:22-cv-02153-DOC-JDE

**AGENDA FOR OCTOBER 3, 2022
HEARING AND STATUS REPORT**

Via JAMS Access Portal and CCA and
CDA ECF Dockets

AGENDA FOR OCTOBER 3, 2022, HEARING AND STATUS REPORT

Defendants/Third-Party
Plaintiffs,

v.

MEDITERRANEAN SHIPPING
COMPANY, S.A.; DORDELLAS
FINANCE CORPORATION; MSC
DANIT; ROES 1-5; COSTAMARE
SHIPPING CO., S.A.; CAPETANISSA
MARITIME CORPORATION; V.SHIPS
GREECE LTD.; COSCO BEIJING;
ROES 6-10; MARINE EXCHANGE OF
LOS ANGELES-LONG BEACH
HARBOR d/b/a MARINE EXCHANGE
OF SOUTHERN CALIFORNIA;
COSCO SHIPPING LINES CO. LTD.;
COSCO (CAYMAN) MERCURY CO.
LTD.; and MEDITERRANEAN
SHIPPING COMPANY S.R.L.,

Defendants/Third-Party
Defendants.

In the Matter of the Complaint of
DORDELLAS FINANCE CORP.,
Owner, and MSC MEDITERRANEAN
SHIPPING COMPANY S.A., Owner *pro*
hac vice, of the Motor Vessel MSC
DANIT, and its engines, tackle, apparel,
and appurtenances, and
CAPETANISSA MARITIME
CORPORATION, Owner of the Motor
Vessel BEIJING, and its engines, tackle,
apparel, and appurtenances.

Plaintiffs.

The signatories below (“Parties”) submit this agenda for the October 3, 2022, hearing with the Special Master Panel (“SMP”), as well as the Parties’ bi-monthly status report.

I. SUPPLEMENTAL NOTICE IN LIMITATION ACTION

Pursuant to the Court’s September 7, 2022, order directing that supplemental notice be given in the Limitation Action (22-cv-02153, ECF No. 113), the Class

1 Plaintiffs and Limitation Plaintiffs (Capetanissa Maritime Corporation and Dordellas
2 Finance Corp. and MSC Mediterranean Shipping Company S.A.) submitted competing
3 supplemental notice proposals and briefing on September 12, 2022 and response briefs
4 on September 14, 2022. On September 16, 2022, the SMP held a hearing and requested
5 additional briefing. After further meet and confer in attempt to narrow the disputes
6 between the competing supplemental notices, Class Plaintiffs and the Limitation
7 Plaintiffs submitted additional briefing to the SMP on September 21, 2022, and
8 response briefs on September 23, 2022.

9 The Class Plaintiffs and Limitation Plaintiffs will be prepared to discuss these
10 disputes with the SMP at the October 3, 2022, hearing.

11 **II. SCHEDULES**

12 On September 12, 2022, the Parties submitted to the SMP for consideration
13 competing schedules and briefing related to the Limitation Action liability trial. On
14 September 14, 2022, the Parties submitted responsive briefs. Class Plaintiffs and
15 Amplify agree that the liability trial in the Limitation Action can begin in late February
16 2023. The Beijing and Dordellas Parties agree that the liability trial can begin in late
17 April 2023. The Marine Exchange's position favors the later of these two options.

18 Further, on September 16, 2022, the Parties submitted to the SMP an agreed
19 schedule for briefing dispositive motions filed in response to Class Plaintiffs' and
20 Amplify's amended complaints in the *Gutierrez* matter.

21 **III. DISCOVERY DISPUTES**

22 On September 12 and September 14, 2022, the Parties submitted briefing on
23 various discovery disputes. Following the September 16, 2022, SMP hearing, on
24 September 21 and 23, 2022, Amplify, the Beijing Parties, and the Dordellas Parties
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submitted additional briefing on discovery disputes.¹ The Parties outline the outstanding discovery disputes argued in the Parties' prior briefing for the SMP's attention below:²

A. Amplify's discovery disputes against the Beijing Parties.

1. Litigation holds and ESI preservation.
2. ESI collection and review from custodians' personal devices.
3. Documents (e.g., emails, records, witness declarations) received from or produced to federal and state authorities.
4. Presentations, white papers or other documents prepared by one or more Beijing entities for federal and/or state authorities relating to the Beijing entities' culpability for the anchor drag incident and oil spill.
5. Communications with federal and state authorities regarding the Beijing entities' culpability for the anchor drag incident and oil spill, including negotiations and draft documents concerning any plea or resolution of an investigation.
6. Any post-anchor drag or post-spill analysis or investigative report(s), as well as documentation and data used in such analysis, including if those analyses or investigations are ongoing.

B. Amplify's discovery disputes against the Dordellas Parties.

1. Litigation holds and ESI preservation.
2. ESI collection and review from custodians' personal devices.

¹ On September 12, 2022, Class Plaintiffs and Amplify jointly raised with the SMP the following discovery disputes they have with the Beijing and Dordellas parties: (1) the pace of the Beijing and Dordellas parties document production; (2) litigation hold and preservation; (3) collection and search of personal and work cell phones of custodians; (4) collection of the *Danit*'s satellite email system or other documents and data aboard the *Danit*. Following the September 16, 2022, SMP hearing, Class Plaintiffs did not submit additional briefing on these discovery disputes, but join Amplify's requests regarding the outstanding disputes against the Beijing and Dordellas Parties.

² The Dordellas Parties object to Class Plaintiffs' attempts to assert discovery disputes, *see* FN1, as they did not submit any briefing on any discovery dispute, as requested by the SMP.

3. Crewmember custodians.
4. Documents (e.g., emails, records, witness declarations) received from or produced to federal and state authorities.
5. Presentations, white papers or other documents prepared by one or more Dordellas entities for federal and/or state authorities relating to the Dordellas entities' culpability for the anchor drag incident and oil spill.
6. Communications with federal and state authorities regarding the Dordellas entities' culpability for the anchor drag incident and oil spill, including negotiations and draft documents concerning any plea or resolution of an investigation.
7. Any post-anchor drag or post-spill analysis or investigative report(s), as well as documentation and data used in such analysis, including if those analyses or investigations are ongoing.

C. Beijing and Dordellas Parties' disputes against the Amplify.

1. Additional search terms and custodians.
2. 2022 documents.
3. Documents (e.g., emails, records, witness declarations) received from or produced to federal and state authorities.
4. Presentations, white papers or other documents prepared by Amplify for federal and/or state authorities relating to Amplify's culpability for the oil spill.
5. Communications with federal and state authorities regarding Amplify's culpability for the oil spill, including negotiations and draft documents concerning Amplify's guilty plea.

IV. Other Discovery Issues.

The parties may wish to discuss the Dordellas entities' search for a corporate structure chart.

* * *

The Parties will be prepared to discuss the above agenda on October 3, 2022.

1 Respectfully submitted,

2
3 **DATED:** September 30, 2022

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13 *Pedro Bay Pipeline Company*

14 **DATED:** September 30, 2022

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SIGNATURE CERTIFICATION

Pursuant to L.R. 5-4.3.4(a)(2)(i), I hereby attest that all signatories listed, and on whose behalf the filing is submitted, concur in this filing's content and have authorized this filing.

/s/ Lexi J. Hazam
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